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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,912	04/05/2004	Yasuhiro Uehara	046601-5133	2644
9629	7590	03/28/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			GLEITZ, RYAN M	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,912	UEHARA ET AL.	
	Examiner	Art Unit	
	Ryan Gleitz	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Moser (US 5,729,812).

Moser discloses a fixing device including a fixing belt module and a pressure belt module as shown in figure 1.

The fixing belt module includes a fixing roller (14) having a heat source (18), one or more tension rollers (28) at a fixing side and an endless fixing belt (26) looped and stretched around the rollers to thereby rotate.

The pressure belt module including an endless pressure belt (20) that comes in contact with an outer peripheral surface of the fixing belt (26) only within a range of a section where the fixing belt (26) is wrapped around a surface of the fixing roller (14), thereby forming a nip section for fixation between itself and the fixing belt (26), wherein the fixing belt module includes a fixing belt heating unit (30) that heats an inner peripheral surface and/or the outer peripheral surface of the fixing belt at any sections other than the section where the fixing belt (26) is wrapped around the outer peripheral surface of the fixing roller (14).

Regarding claim 3, at least one of the tension rollers (28) at the fixing side in the fixing belt module has a heat source (30) disposed there in for serving as the fixing belt heating unit.

Regarding claim 5, the pressure belt module further includes a pressure roller (12) and one or more pressing-side tension rollers (22), and the pressure belt (20) rotates as stretched by the rollers; the pressure roller (12) is urged toward the surface of the fixing roller via the pressure belt and the fixing belt; and a predetermined length of the pressure belt toward an upstream side in its rotating direction from a section of the pressure belt (20) that is urged toward the surface of the fixing roller (14) by the pressure roller (12) is pressed and wrapped around the outer peripheral surface of the fixing belt at the section wrapped around the fixing roller, thereby forming a nip section for fixation between the fixing belt (26) and the pressure belt (20).

Regarding claim 6, the nip section for fixation is preferably formed at the upstream side of the fixing belt within the range of the section around which the fixing belt is wrapped.

Regarding claim 16, the fixing device is in an image forming device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser (US 5,729,812) in view of Hayashi et al. (US 2002/0009306).

Moser discloses the fixing device above, but does not disclose an elastic layer on the fixing roller or a second tension roller in contact with the outer surface of the belt.

However, Hayashi et al. disclose a similar fixing device including tension roller (31) in contact with the outer peripheral surface of the fixing belt (2), and an elastic layer around a cylindrical member as the fixing roller (4). See [0048]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fixing device of Moser with the tension roller taught by Hayashi et al. to accurately set tension in the fixing belt by adjusting the disposing position of the tension roller, [0044], and to modify the fixing roller of Moser with the elastic layer taught by Hayashi et al. to provide a sufficient nip width even with the pressing force is small, [0048].

Claims 7, 8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser (US 5,729,812) in view of Yura et al. (US 6,795,678).

Moser discloses the fixing device above, but does not disclose a pressure member.

However, Yura et al. disclose a similar fixing device including an additional pressure member (19) as part of a pressure belt module (14). The pressure member is formed into a pad shape. See figures 4-10. Nip pressure of the pressure member for pressing the fixing roller is locally increased at the vicinity of an outlet of the nip section. Col. 7, lines 14-16.

The fixing roller (17) has at least an elastic layer formed on the peripheral surface of the cylindrical member, and the elastic layer formed on the fixing roller must include a deformation due to the urging of the pressure member. See col. 6, lines 6-15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fixing device of Moser with the pressure member and elastic layer taught by Yura et al. to allow a long, uniform first nip can be formed between the stationary member and the pressing member without resorting to a heavy load. Col. 11, lines 1-8.

Response to Arguments

Applicant's arguments filed 17 January 2006 ("Response") have been fully considered but they are not persuasive.

Applicant submits that Moser does not disclose a fixing belt that heats an inner peripheral surface and/or the outer peripheral surface of the fixing belt because Moser does not teach any rollers that contact the outer peripheral surface of the fixing belt. Response, p. 9.

This argument is not persuasive because the claims do not require heating the outer peripheral surface of the fixing belt. The claims are limited to heating either one or both of the inner surface and outer surface. The prior art need only show heating the inner surface of the belt or the outer surface of the belt to anticipate the claim. As admitted by Applicant, Moser teaches heating the inner surface of the belt.

Even if the claim did require heating the outer peripheral surface of the belt, Moser would still anticipate the claims. The heaters in Moser contact the inner surface of the belt, and the heat generated must transfer to the outer peripheral surface of the belt.

Even if the claim did require heating the outer peripheral surface of the belt and Moser did not explicitly teach heating the belts in such a way the outer surface would be heated, Moser would still anticipate the claims because the limitation in question is one of function not structure, and the prior need only demonstrate a capability of meeting the claimed functional limitation. See MPEP 2173.05(g).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

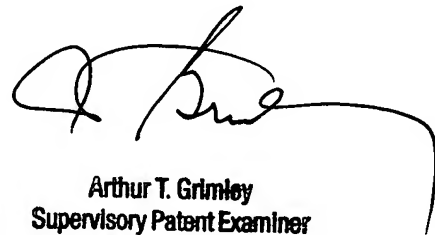
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rg



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